



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/407,307	09/29/1999	TADASHIGE IWAO	1359.1013	2590

21171 7590 04/30/2004

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

NGUYEN, VAN H

ART UNIT	PAPER NUMBER
----------	--------------

2126

DATE MAILED: 04/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

70

Office Action Summary	Application No. 09/407,307	Applicant(s) IWAQ ET AL.	
	Examiner VAN H NGUYEN	Art Unit 2126	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2004.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-10 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to amendment B filed on April 09, 2004. Claims 1-10 remain in this application.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term *the message* (in claim 1, line 5 and claim 10, lines 5-6) lacks antecedent basis.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Brown** (U.S.5,794,219).

Art Unit: 2126

6. As to claim 1, Brown discloses the invention substantially as claimed including an object collaboration apparatus comprising:

- a plurality of objects (*a central computer, a number of remote computers, bidders; col.3, lines 44-65*), each object comprising:

- a message receiving portion to monitor and obtain a requesting message transmitted over a network (*col.3, line 44-col.4, line 7*);

- storing an action content which is a reaction to the requesting message (*col.6, lines 17-52*);

- an action executing portion to execute processing in accordance with the action content (*col.7, line 60-col.8, line 35*);

- a requesting message sending portion to send a requesting in which a task requests processing of the task initiator object requests processing of the task from other objects (*col.6, line 65-col.7, line 5*);

- a bidding portion to return a bidding message (*col.8, lines 4-35*);

- a bid awarding portion to determine, from among objects returning a bidding message, an object to which processing of the task is assigned (*col.8, lines 36-46*); and

- a bid awarding notifying portion to notify the selected object of a bid awarding determination; wherein, if there are a plurality of competing objects that can provide an action in response to the task request by executing an action in response to the requested task when receiving a bid awarding notification, the selected object, of which task processing is requested, is determined by a bidding system (*col.8, lines 47-59*).

Brown does teach “store an action content which is a reaction to the message”, but does not explicitly teach “*a reaction table* to store an action content which is a reaction to the message and wherein a reaction relationship of messages and actions defined in the reaction table drives the object collaboration apparatus.”

Brown, however, discloses “*bidder database 14...record bids in the on-line auction...store a bid record 60 in database 14. Bid record 60 includes bidder name 44, bidder identification number 50, bid amount 62, and bid designation 64*” (col.6, lines 17-52, and col.8, lines 4-18).

It would have been obvious to one of ordinary skill in the art to have applied the teaching of Brown for “a reaction table” in order to provide means for recording and updating the bids from the bidders in the central computer.

7. As to claim 2, Brown teaches the bid awarding portion uses, as one bid determining parameter, a communication time that is necessary for communication between the task initiator object and the objects sending the bidding message, and preferentially awards a bid to an object that has a short communication time between objects (*col.8, lines 4-34*).

8. As to claim 3, Brown teaches the bid awarding portion uses, as one bid determining parameter, an empirical value of past processing performances for similar tasks of the objects sending a bidding message, and preferentially awards a bid to an object that is expected to have a high processing portion selects an object that is good at processing the requested task, and preferentially awards a bid to an object that is expected to have a high processing performance for the request task (*col.8, lines 35-60*).

Art Unit: 2126

9. As to claim 4, Brown teaches the bidding portion includes, in a bidding value, a bidding parameter that shows its own condition with respect to a task for which the bidding portion returns a bidding message, and the bid awarding portion determines a bid-winning object using the bidding value as one bid determining parameter (*col.8, lines 4-60*).

10. As to claim 5, Brown teaches the bidding portion sends the bidding message using, as one bidding parameter, processing resources that can be assigned to a requested task processing, and the bid awarding portion selects an object having a bidding value indicative of large processing resources that can be assigned, and preferentially awards a bid to the selected object as the bid-winning object (*col.7, line 45-col.8, line 46*).

11. As to claim 6, Brown teaches the bidding portion sends the bidding message using, as one bidding parameter, an object load ratio showing a ratio of the already assigned processing resources to the bidding object's original processing resources, and the bid awarding portion selects, from the object load ratios in the bidding values, an object having a small load that is already assigned, and preferentially awards a bid to the selected object as the bid-winning object (*col.7, line 45-col.8, line 46*).

12. As to claim 7, Brown teaches the bidding portion sends the bidding message using, as one bidding parameter, a computer load ratio indicating a ratio of the already assigned processing resources to the processing resources of a computer that is executing the bidding object, and the bid awarding portion selects, from the computer load ratios in the bidding values, an object that is executed on a computer having a small load that is already assigned, and preferentially awards a bid to the selected object as the bid-winning object (*col.7, line 45-col.8, line 46*).

13. As to claim 8, Brown teaches the bidding portion sends the bidding message using, as one bidding parameter, a skillfulness at the task, which is based on resources available to the bidding object, and the bid awarding (*col. 8, lines 4-46*).

14. As to claim 9, Brown teaches the task initiator object has a bidding portion that generates a bidding message in response to the requesting message sent by the task initiator object, and the bid awarding portion processes the bid awarding selecting an object in accordance with bidding messages sent from both other objects and a bidding messages from the own terminal's bidding portion and selects the most appropriate object for the task processing from among all objects including itself (*col. 7, line 45-col. 8, line 46*).

15. As to claim 10, it is directed to a computer-readable recoding medium for implementing the method of claim 1, and is similarly rejected under the same rationale.

Response to Arguments

16. Applicant's arguments filed April 09, 2004 have been fully considered but they are not persuasive.

17. In the remarks, Applicant argued in substance that (1) Brown does not disclose or suggest the reaction table (2) Brown does not disclose or suggest that a requesting message flowing over a network is monitored and obtained (3) Brown does not disclose or suggest that if there is an action corresponding to a task request referring to a reaction table, bidding is performed automatically.

18. Examiner respectfully traverses Applicant's remarks:

A. As to point (1), as discussed in the rejection above, although Brown does not explicitly teach a reaction table, Brown discloses *bidder database 14* that does the same functionality as a reaction table.

B. As to point (2), Examiner believes that Brown's teaching "bids entered from remote computers are received in the central computer. Each of the bids includes a bid amount and a bid designation" (col.3, lines 55-65) meets "a message receiving portion to monitor and obtain a requesting message transmitted over a network" as claimed by Applicant. The central computer receives the bids (requesting messages) and monitors the bid amount and the bid designation for declaring a winning group.

C. As to point (3), Examiner notes that "if there is an action corresponding to a task request referring to a reaction table, bidding is performed automatically" is not claimed. Claimed subject matter, not the specification is the measure of the invention. Limitations in the specification cannot be read into the claims for the purpose of avoiding the prior art. See In re Self, 213 USPQ 1,5 (CCPA 1982); In re Priest, 199 USPQ 11, 15 (CCPA 1978). The Examiner has a *duty* and *responsibility* to the public and to Applicant to interpret the claims *as broadly as reasonably possible* during prosecution (see *In re Prater*, 56 CCPA 1381, 415 F.2d 1393, 162 USPQ 541 (1969)).

Conclusion

19. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

20. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN H NGUYEN whose telephone number is (703) 306-5971. The examiner can normally be reached on Monday-Thursday from 8:30AM - 6:00PM. The examiner can also be reached on alternative Friday.


The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Application/Control Number: 09/407,307
Art Unit: 2126

Page 9

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VHN


MENG-AL T. AN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100